

Exemption(s):

Declassify: ( ) In Part (X) In Full

( ) Classify as ( ) Extend as ( ) Downgrade to — ARGENTINADate \_\_\_\_\_ Declassify on \_\_\_\_\_ Reason \_\_\_\_\_ HUMAN RIGHTS~~UNCLASSIFIED~~

*Argentina - K*  
*Briefing Paper*  
*for Ant. Boudier*  
*Nov. 1979*  
**AK 346**

The U.S. public perception of human rights in Argentina, among members of Congress as well as non-governmental organizations, remains grim. As concerns respect for the integrity of the person, there have been improvements this year in quantitative terms, but serious problems remain:

-- Disappearances: The most fully documented compilation of disappearances, prepared by the Argentine Permanent Assembly for Human Rights, contains about 6,500 names. Other estimates of the total number of disappearances since March 1976 range from 6,500-15,000. The rate of disappearances has fallen off from several thousand in 1976, and about 600 in 1978, to 36 for January-November 1979. (There have been no disappearances since late September but we can not be sure that this will be permanent.) The GOA has taken no steps to give an accounting of the fate of the disappeared; to try to do so would pose serious political problems for the leadership. Many analysts consider it unlikely that an accounting will be made unless it is accompanied by a political amnesty for those responsible for the disappearances. (The question of whether, and to what extent, comprehensive records are in the hands of the national authorities remains unresolved. Publicly, the national Government claims that it has no information.)

-- Political Prisoners: About 1,400 persons are being held by the Executive without charges under state of siege provisions (so-called PEN prisoners) -- down from about 3,500 in 1978. About 1,000 others have been tried and convicted and are serving prison terms.

-- Clandestine Prisoners: There is also the question of whether the security forces hold unacknowledged prisoners. The GOA staunchly denies that it does. There are known cases, however, that support the belief that at least some prisoners are held this way (e.g. prisoners being processed, former terrorists cooperating with the security apparatus, etc.)

-- Torture: There is evidence that torture under interrogation continued in 1979.

\_\_\_\_\_ GDS 11/27/85 (Ruser, C.W.)

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-- Right of Option: Of the 221 certificates of acceptability issued by the USG under its hemispheric parole program to political prisoners detained in Argentina, 23 have been unconditionally released and will remain in Argentina; five have received the right of option and gone to other countries; and 24 others have received the right of option and travelled to the U.S. For some 200 other cases, the Argentine authorities have refused permission for a consular officer to conduct initial interviews.

-- Prison Conditions: Prison conditions have improved this past year following a Presidential decree regularizing prison rules.

-- Judicial Freedom: There are signs that the Judiciary is beginning to exert a more aggressive role vis-a-vis the Executive (one example is the Supreme Court order that prominent editor Jacobo Timerman be released). However, the regime claims that detentions under its state of siege powers are not subject to judicial review as to their merits, a position broadly upheld by the Supreme Court. The courts have also been ineffective in resolving disappearance cases.

-- Political rights: The right of assembly for political groups has been suspended since 1976, although the government has tolerated a low level of organized political activity. For example, some political meetings have been broken up while other small meetings were permitted in Buenos Aires without police interference.

-- Labor Unions: Trade unions are still "intervened" and strikes are prohibited. However, strikes for wage increases frequently occur. New legislation just enacted will prohibit political activity and seriously circumscribe the power of the union over pension funds.

-- Freedom of Press: Newspapers practice "self-censorship". Guerrilla activities cannot be reported unless given to the press by the military, and the extreme leftist press has been closed.

#### U.S. Position:

Short-term: We wish to see:

-- The immediate and full cessation of disappearances;

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- Effective steps to end torture;
- Rapid reduction in the number of PEN prisoners either by trial or the right of option;
- Efforts by the national authorities to provide information on disappeared persons to their families to the extent such information may exist;
- More rapid approval of right of option requests;

The United States is opposing loans to Argentina in the IBRD and the IDB which do not satisfy BHN criteria. That opposition is expressed through abstention. (While ordinary capital loans normally carry despite our abstention, in the IDB's FSO the effect of our abstention is a veto.)

We have largely ceased our supplier role for equipment and training to the Argentine Armed Forces, which have shifted their purchases to Western Europe. Under the Humphrey-Kennedy Amendment to the FAA, which took effect on October 1, 1978, the U.S. is prohibited from:

- a) making foreign military sales -- for cash or credit -- of equipment under the FMS and training under the IMET program; and
- b) issuing Munitions Control export licenses.

Deliveries against sales concluded before the amendment took effect (the so-called FMS pipeline) are continuing. At present, \$35,787,000 contracted before that time remains to be delivered. There is little prospect at this time of a change in this prohibition by the Congress.

Long-term: We want to see greater respect for judicial independence and trade union rights, a relaxation of controls on freedom of the press and assembly, and progress toward political redemocratization.

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